



Patent US 200C3
Attorney Docket No. 032,290-008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FULTON, III, et al.

Serial No.: 09/996,878

Filed: 11/30/2001

For: BIOPSY LOCALIZATION METHOD
AND DEVICE

Group Art Unit: 3736

Examiner: Brian S. Szmal

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97–1.98, information relating to the above-identified application is hereby disclosed. The accompanying Form PTO-1449 provides a listing of documents that may be relevant to the subject application.

It is requested that the Examiner fully consider the art cited in the accompanying Form 1449, initial the left-most column of the form adjacent each cited reference, and return a copy for Applicants' records. It is further requested that the art be cited on the cover of any patent issuing from the subject application.

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that I have reasonable basis to expect and believe that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 8, 2005

Date of Deposit

Cynthia B. Pacheco
Cynthia B. Pacheco

In accordance with §1.98(d), copies of some or all of the references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the Patent and Trademark Office in one or more of the prior U.S. Applications: U.S.

Application No. 09/900,801, filed on July 6, 2001, issued as U.S. Patent No. 6,699,205; U.S.

Application No. 09/366,360, filed on August 3, 1999, issued as U.S. Patent No. 6,260,458; U.S.

Application No. 09/285,329, filed April 2, 1999, issued as U.S. Patent No. 6,356,782; and U.S.

Application No. 08/858,389, filed May 19, 1997, issued as U.S. Patent No. 6,228,055.

Accordingly, Applicants will provide duplicate copies in respect of the present case only if the Examiner so desires.

Also, Applicants are attaching hereto a copy of the international search reports.

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made. Nor does this statement constitute an admission by Applicants or Applicants' agent that the information provided herein is necessarily prior art to Applicants' invention. Moreover, Applicants reserve

the right to establish the patentability of the claimed invention over any of the listed documents should they be applied there—against as references. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-2862.

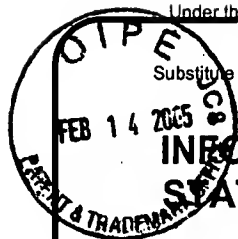
Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: 2/7/05

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Reg. No. 54,550
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(Use as many sheets as necessary)

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| Application Number | 09/996,878 |
| Filing Date | November 30, 2001 |
| First Named Inventor | FULTON |
| Art Unit | 3736 |
| Examiner Name | Szmal |
| Attorney Docket Number | 032,290-008 |

Sheet 1 of 6

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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Sheet

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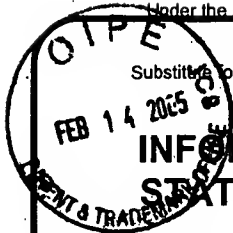
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| | | Number-Kind Code ² (if known) | | | |
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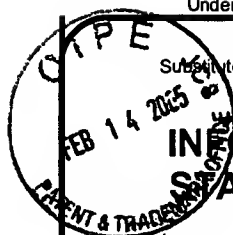
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|--------------------|-----------------------|---|--------------------------------|--|---|----------------|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
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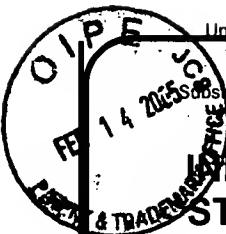
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|--------------------|-----------------------|---|--------------------------------|--|---|----------------|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
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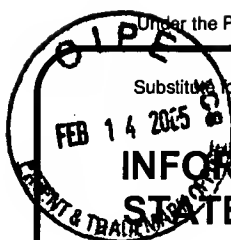
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| Application Number | 09/996,878 |
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| First Named Inventor | FULTON |
| Art Unit | 3736 |
| Examiner Name | Szmal |
| Attorney Docket Number | 032,290-008 |

Sheet 6

of 6

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|-----------------------|--------------------------|---|----------------|
| | 128. | Dufrane, P. et al., "Prebiopsy Localization of Non-Palpable Breast Cancer", Journal Belge de Radiologie, Vol. 73, No. 5, pp. 401-404 (10/01/1990) | |
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